

MINUTES
Crested Butte Town Council
Regular Meeting
Crested Butte Town Hall
Tuesday, September 6, 2005

Mayor James Schmidt called the meeting to order at 7:03 p.m. Council members present: Margot Levy, Ron Chlipala, Bill Coburn, Michael Helland, Skip Berkshire and Alan Bernholtz. Staff present: Town Manager Frank Bell, Town Attorney Laura Magner, Town Clerk Eileen Hughes, and Town Planner John Hess

Approval of the minutes of the August 15, 2005 regular council meeting.
Bernholtz moved and Coburn seconded to approve the minutes as submitted. Roll call vote taken with all voting yes. **Motion passed unanimously.**

1. **PUBLIC COMMENTS**

Local resident John Rippe discussed his ideas for development of a multi-story affordable housing complex as well as recreation facilities, a possible jail and a coal fired power plant in the gravel pit area of the Town Ranch.

2. **COUNCIL COMMENTS**

Levy:

- Reported that the Tourism Association will hold its annual meeting at the Almont Resort on September 15, 2005. Levy is unable to attend. Schmidt will attend.

Bernholtz:

- Attended part of a Center for the Arts Board retreat and two focus group meetings on programming. Reported that the Center for the Arts is moving in a positive direction.
- Suggested that a few handicap parking spaces close to special events be provided by event organizers. Council agreed with Bernholtz's idea and Bell said a provision for handicap parking can be added to the Town's Special Events Application.

Schmidt:

- Discussed hurricane Katrina and ways the Town can help hurricane victims. Explained that local resident Aaron Kahn may organize a benefit concert for September 17 or 18, 2005. Local restaurants are also planning a benefit. Since the event is being organized on such short notice Schmidt asked council to pre-approve a special events permit.

Coburn moved and Bernholtz seconded to approve a special events permit for a benefit concert on September 17 or 18 for the victims of hurricane Katrina. The Town will insure the event as long as the event does not include a special events liquor license. Roll call vote taken with all voting yes. **Motion passed unanimously.**

Council continued to discuss ways the Town can help hurricane victims. Schmidt suggested the possibility of the Town offering the Town duplex

(currently under construction) for temporary housing. Bell said there are a variety of organizations and agencies in the state that are organizing assistance, including Club 20 and the Colorado Municipal League, and explained that it would be easier for the Town to work with an organization that is already dealing with relief efforts.

Bernholtz said it would be beneficial if the Town had a point person to serve as a liaison for coordinating referrals for the relief effort. Schmidt and Helland volunteered to help coordinate local relief efforts.

- Schmidt reported that airline bookings for the upcoming ski season are ahead of last year.

3. **PUBLIC HEARINGS**

A) Special Events Permit –Crested Butte/Mt. Crested Butte Chamber of Commerce Restaurant Association-Vinotok Food Faire-September 24, 2005-Elk Ave. Event organizer Mary Whitson explained the application is being amended to close Elk Ave only between 2nd and 3rd Streets. Bell will ensure that a handicap parking space is available near the Brick Oven Restaurant.

Levy moved and Bernholtz seconded to approve a special events permit for the Crested Butte/Mt. Crested Butte Chamber of Commerce Restaurant Association Vinotok Food Faire September 24, 2005. Roll call vote taken with all voting yes. **Motion passed unanimously.**

B) Adoption of Crested Butte Area Plan. Council agreed to postpone the public hearing on the Adoption of the Crested Butte Area Plan until the October 4, 2005 council meeting.

5. **NEW BUSINESS**

A) Resolution No. 7, Series 2005- A Resolution Adopting an Open Records Policy and Fee Schedule for the Town of Crested Butte.

Schmidt briefly explained the intent of the open records policy. There were no public comments.

Bernholtz moved and Coburn seconded to approve Resolution No. 7, Series 2005. Roll call vote taken with all voting yes. **Motion passed unanimously.**

B) Continuation of Crested Butte Arts and Recreation (CBAR) Next Steps Discussion.

Bell noted memo in packet from the Elk Mountains Design Collaborative regarding CBAR master planning. Bell also pointed out a recently completed survey of the “Community Campus” area near the Community School and noted the survey indicates wetlands in the area (which are off-limits for development), the road and topography of the area. The CBAR-Council subcommittee agreed to discuss the time and date of their next meeting during council meeting scheduling.

Crested Butte Arts Alliance spokesperson, Pat Crow, noted four points in a memo from the Arts Alliance that, she said, represent movement towards a compromise for planning a smaller Performing Arts Center and a phased-in approach.

Council discussed the next step for planning a Performing Arts Center. Bernholtz suggested staff develop recommendations and pros and cons. Several other council members indicated support for the formation of a subcommittee of the council, staff and representatives of the Arts Alliance to discuss the issue and make recommendations to the council concerning planning for a Performing Arts facility. Berkshire expressed concern about the Arts Alliance's decision to support planning for a smaller Performing Arts Center and questioned if 90 more seats than the current facility is sufficient (i.e. current facility has 210 seats compared to a scaled-down proposed new facility with 300 seats).

The majority of the council indicated support for the formation of a subcommittee of the council, staff and representatives of the Arts Alliance to address planning for a Performing Arts Center and to make recommendations to the council. Berkshire, Chlipala and Bernholtz volunteered to serve on the subcommittee.

Audience member Haden Spencer said there needs to be an emphasis on public awareness of CBAR meetings. Audience member Wanda Mc Kay said some people in the Arts Community are not happy with planning only a 300 seat Performing Arts Center.

C) Approval of Plat and Party Wall Agreement for Alpine Nook Townhouses.

Town Attorney Laura Magner recommended approval pending staff approval.

Coburn moved and Levy seconded to approve the plat and party wall agreement for Alpine Nook Townhouses pending satisfaction of conditions by the Town Attorney. Roll call vote taken with all voting yes. **Motion passed unanimously.**

D) Approval of Re-plat of Unit E Majestic Plaza Condominiums.

Levy moved and Chlipala seconded to approve the declarations and re-plat of Unit E Majestic Plaza Condominiums. Roll call vote taken with all voting yes. **Motion passed unanimously.**

E) Approval of Plat and Party Wall Agreement for Habitat for Humanity Paradise Park Townhouses.

Coburn moved and Levy seconded to approve the plat and party wall agreement for the Habitat for Humanity Paradise Park Townhouses pending satisfaction of minor issues by the Town Attorney. Roll call vote taken with all voting yes. **Motion passed unanimously.**

Schmidt changed the order of the agenda to go into executive session at this time.

Bernholtz moved and Levy seconded to go into executive session to discuss the purchase, acquisition, lease, transfer, or sale of real, personal or other property

interest under C.R.S. Section 24-6-402 (4) (a). Roll call vote taken with all voting yes. **Motion passed unanimously.**

Council went into executive session at 8:42 p.m. and returned at 9:09p.m. No action was taken. Schmidt noted that executive session participants included: the council, Rocky Mountain Biological Institute (RMBL) director Ian Billick, RMBL board member Dan Jones, Town Planner John Hess, Town Manager Frank Bell and Town Attorney Laura Magner.

Levy left the meeting following the executive session.

6. **LEGAL MATTERS/TOWN ATTORNEY**

Legal briefs in the Mt. Emmons lawsuit have been filed and oral arguments have been requested.

Magner recently sat in on a Board of Zoning and Architectural Review (BOZAR) meeting. Magner recommended several changes to the Town Code regarding the BOZAR appeal process, as well as revisions to the Code concerning how insubstantial design changes are handled. Council directed Magner to draft amendments to the Town Code concerning the BOZAR process.

7. **STAFF REPORTS**

Bell:

- The September 19, 2005 Council work session regarding the proposed expansion of the ski area onto Snodgrass Mountain will be held at 5:30 p.m. at the Center for the Arts. The work session will end at 6:50 p.m. with the regular council meeting starting at 7 p.m. at Town Hall.

Hughes:

- The Town has registered a new and easier to remember website address: www.townofcrestedbutte.com. Hughes said she is working on optimization of the town's website and eventually folks will find the site using search engines but for now the best approach is to type the website address in the address bar.

8. **COUNCIL REPORTS AND COMMITTEE UPDATES**

Coburn:

- Asked staff to keep council in the loop regarding replacement of the Town Recreation Director when current director Jerry Deverell retires in the spring of 2006. Coburn noted that the position could eventually be a regional position.

Chlipala:

- Asked staff if the Town is responsible for the fence at the Community school. Bell said he spoke with school officials and they will be dealing with the fence. Bell said he will contact the school and see if the process can be speeded up.

9. **OTHER BUSINESS TO COME BEFORE COUNCIL**

Vinotok organizer Nancy Wicks asked council if the town could help

with the cost of insurance for the event. Insurance costs increased from \$141.46 last year to \$556.48 this year.

Bernholtz moved and Berkshire seconded to approve funding for insurance coverage for the Vinotok event in the amount of \$556.48. Roll call vote taken with all voting yes. (Levy was absent for the vote). **Motion passed unanimously.**

10. **COUNCIL MEETING SCHEDULING**

The Council CBAR subcommittee (concerning recreation) agreed to meet at 7 a.m. on September 8, 2005. Bernholtz, Levy and Coburn noted that they are unable to attend the September 12 council work session on the 2006 budget.

Schmidt adjourned the meeting at 9:46 p.m. by unanimous consent.

James A. Schmidt, Mayor

Eileen Hughes, Town Clerk